IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8750 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMANBHAI D PATEL

Versus

PRINCIPAL

Appearance:

MR RK MISHRA for Petitioner

MR NS DESAI for Respondent No. 1

NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 26/06/2001

ORAL JUDGEMENT

1. This petition is filed against the order of the Gujarat Primary Education Tribunal in Application No.201 of 1988. The petitioner approached the Tribunal by resorting to the provisions of Section 40 of the Bombay Primary Education Act, 1986 for not paying salary and other benefits to him by the concerned Management. The Tribunal, after hearing both the parties, partly allowed

that Application and gave direction to the Management that the petitioner should be paid difference in his salary and all other benefits with effect from 22.5.1986. Direction was given that the said amount should be paid within two months by account payee cheque and thereafter also, regular salaries are required to be paid as per the Government Rules and Regulations. The petitioner is aggrieved by the order of the Tribunal in view of the fact that the Tribunal disallowed the claim prior to 22.5.1986 and hence, the petitioner has filed this petition, challenging the order of the Tribunal disallowing the claim prior to the aforesaid period. Mr.Mishra, however, states that looking to the staleness of the claim, he would not like to press this point. Under these circumstances, this Court is not addressing itself on the merit of the grievance whether the Tribunal has jurisdiction to grant any relief prior to the aforesaid period or not. The said question is accordingly kept open. Mr.Mishra says that the Management may be directed to make payment, if it is not paid, as per the direction of the Tribunal. If the payment as per the order of the Tribunal is not made, the Management is directed to make the aforesaid payment within a period of four weeks from today.

In view of the aforesaid direction, Mr. Mishra does not press this petition. This petition stands disposed of accordingly. Rule is discharged. No costs.

26th June, 2001 (P.B. Majmudar, J.)

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(apj)